

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2018 JUN -4 PM 2:29

ANTONIO FRANKLIN JOHNSON, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
 )

CLERK   
SO. DIST. OF GA.

CASE NOS. CV417-055  
CR414-415

O R D E R

Before the Court is Petitioner Antonio Franklin Johnson's Motion to Reopen Pursuant to Federal Rule of Civil Procedure 60(b). (Doc. 20.) In the motion, Petitioner seeks to have the Court "revisit it's [sic] September 29, 2017 Order adopting the magistrate's Report and Recommendation an[d] findings based on the Court's mistaken view of the law." (Id. at 1.) According to Petitioner, "the Court's mistaken view of the law [i]s an 'exceptional circumstance' " warranting relief. (Id.)


Rule 60(b) permits the Court to relieve a party from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

- (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
- (6) any other reason that justifies relief.

Fed. R. Civ. P. 60(b). After a careful review of Petitioner's motion and the record in this case, the Court concludes that Petitioner is not entitled to relief. Accordingly, Petitioner's motion is **DENIED**. In addition, Petitioner is not entitled to a Certificate of Appealability, rendering moot any request for in forma pauperis status on appeal.

SO ORDERED this 4<sup>th</sup> day of June 2018.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA